

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

1. (Currently Amended): An isolated DNA sequence serving as a genetic regulatory element in a chimeric gene, wherein said DNA sequence is the ~~first~~ intron (~~intron-1~~) of the 5' non-translated region of a plant H3.3 histone gene.